

REMARKS

The specification and abstract are hereby amended responsive to the Examiner's objection as stated at page 2 of the office action. Claim 1 is amended to provide a clarification that the specific surface area and pore volume limitations relate to the secondary particles, not the primary particles. See page 8, line 23, to page 9, line 5.

The undersigned thanks Examiners Slifka and Mayes for the interview of May 17, 2011. The undersigned believes that agreement was reached at the interview, at least to the extent of recognition that the porosity of secondary particles wherein the porosity "is formed from intercommunicating open void channels between the neighboring primary particles," quoting from the description of prior art at column 1, lines 41-62, of Nakajima et al, and the porosity of "primary" particles (the invention of Nakajima et al) are two very different types of porosity. Therefore it would not have been obvious to apply the teachings of specific pore surface area of Nakajima et al (col. 3, line 63, to col. 4, line 3) to the secondary particles of Tanabe et al.

Tanabe et al teach formation of aggregates (secondary particles) of spindle-shaped (primary particles by precipitation from solution. See column 6, lines 18-28. On the other hand, Nakajima et al teach the production of porous particles from a specific particle size of naturally occurring "heavy calcium carbonate powder" (column 2, line 46). Nakajima et al do not teach or suggest treatment of an aggregate (secondary particle) of primary particles to impart porosity to the aggregates.

A rejection for obviousness requires that the supporting references in conjunction with the skill in the art enable the invention as claimed. *In re Hoeksema*, 158 USPQ 596 (CCPA 1968). Nakajima et al teach that "heavy calcium carbonate" is calcined in admixture with a porosity-forming agent to produce, by decarbonation, a calcium oxide particle having porosity. The porous calcium oxide is then slaked by contact with steam to form calcium hydroxide particles which are then converted to porous calcium carbonate particles (not aggregates) by reaction with carbon dioxide. The process of Nakajima et al does not appear to be applicable to aggregates.

At the interview Examiner Slifka indicated that, given the aforementioned

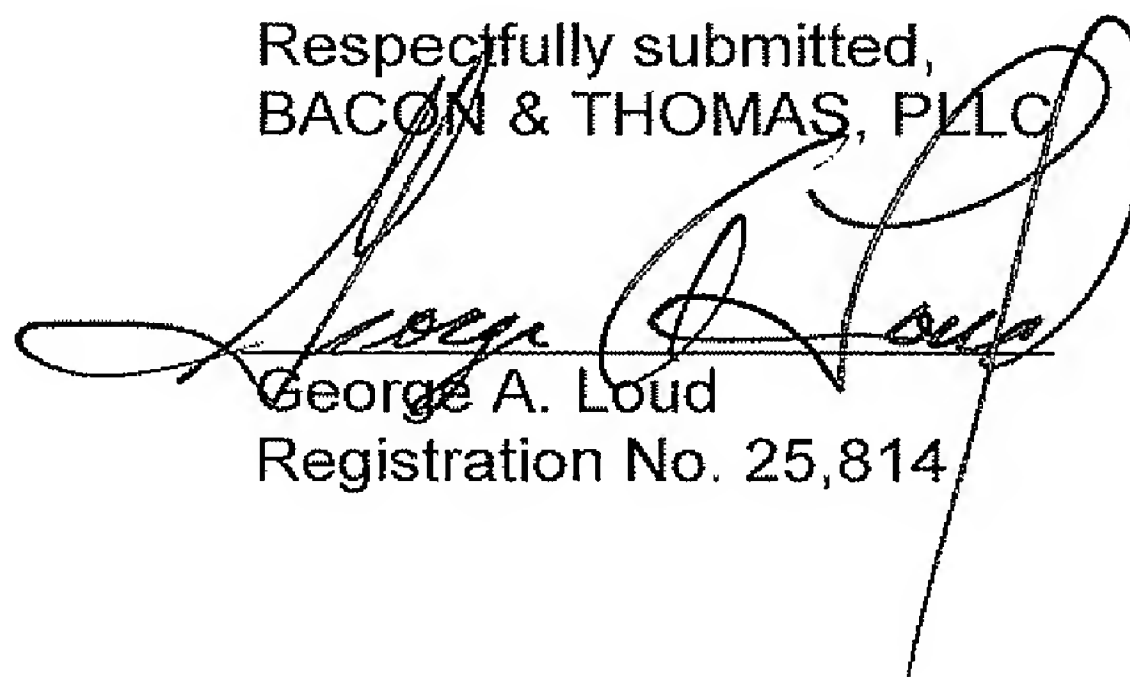
understanding, he would need to look at the possibility of a rejection based on Tanabe alone, on the theory that the specific surface area and pore volume recited by applicants' claims might be inherent in Tanabe et al. In response, the undersigned noted that such a rejection would require disclosure in Tanabe of a similar product made by the same process. While Tanabe et al employ a reaction of carbon dioxide with a calcium hydroxide slurry, they do not employ the several stage process employed by the present applicants. Moreover, the comparative testing reported in applicants' specification establishes lack of inherency. For example, the product as claimed requires that the second stage be initiated after 50-85% carbonation. See page 7, lines 18-19 and withdrawn claim 2. Comparative examples 1, 2 and 3, wherein the second stage was initiated at 45%, 91% and 100%, respectively, did not give a product meeting the limitations of claim 1.

In conclusion it is respectfully requested that the Examiner reconsider and withdraw the rejection of record and rejoin claim 2.

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625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
703 683-0500

Respectfully submitted,
BACON & THOMAS, PLLC



George A. Loud
Registration No. 25,814